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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 GABRIEL ECKARD,

10 Plaintiff,

11 v.

12 SCOTT SYMONS,

13 Defendant.
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Case No. C19-0376RSL

ORDER DENYING MOTION TO
AMEND JUDGMENT

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16 This matter comes before the Court on plaintiff's "Motion to Alter (Amend)
17 Judgment," and accompanying exhibits. Dkt. #27-28. Plaintiff, currently incarcerated in
18 the Snohomish County Jail, filed a civil rights claim under 42 U.S.C. §1983 against
19 defendant, a Washington State Department of Corrections Officer, alleging Symons used
20 excessive force against plaintiff while plaintiff was incarcerated at the Monroe
21 Correctional Complex. Dkt #5 at 2-4. Defendant later moved for summary judgment,
22 arguing that plaintiff had failed to exhaust administrative remedies as required by the
23 Prison Litigation Reform Act. Dkt. #14. On August 5, 2019, the Honorable Michelle
24 Peterson, United States Magistrate Judge, issued a Report and Recommendation finding
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26 ORDER DENYING MOTION
TO AMEND JUDGMENT - 1

1 that plaintiff had failed to exhaust his administrative remedies and recommending that his
2 claims be dismissed without prejudice. Dkt. #21. Parties were required to file objections
3 within twenty-one days of the filing of the Report and Recommendation. *Id.* at 8-9.
4 Plaintiff did not file any objections and on September 20, 2019 this Court adopted
5 Magistrate Judge Peterson's Report and Recommendation, granting defendant's motion
6 for summary judgment and dismissing plaintiff's claims without prejudice for failure to
7 exhaust. Dkt. #24.

8 Plaintiff now asks the Court to reverse its adoption of the Report and
9 Recommendation and allow him to file an objection. *See* Dkt. #27-28. Plaintiff
10 acknowledges that he failed to file a timely objection, which he attributes to "having too
11 many cases - about a score - to keep track of between this court and the 9th Circuit court,"
12 and to his poor health. Dkt. #27 at 1. Plaintiff implies that his health conditions make it
13 challenging for him to comply with deadlines. *Id.*

14 Plaintiff does not offer any legal basis for reopening this matter following his
15 failure to timely object. Nor does he indicate what procedural or substantive objections he
16 would raise were the Court to reopen this matter. The Court finds that plaintiff has not
17 satisfied the standards of Fed. R. Civ. P. 6(b) (motion for extension of time), LCR 7(h)
18 (motion for reconsideration), or Fed. R. Civ. P. 60(b) (motion to amend judgment). The
19 motion is therefore DENIED.

20 DATED this 4th day of December, 2019.

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23 Robert S. Lasnik
24 United States District Judge
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